

1 RYAN L. DENNETT, ESQ.
 2 Nevada Bar No. 005617
 3 rdennett@dennettwinspear.com
 4 JENNIFER INSLEY MICHERI, ESQ.
 5 Nevada Bar No. 010089
 6 DENNETT WINSPEAR, LLP
 7 3301 N. Buffalo Drive, Suite 195
 8 Las Vegas, Nevada 89129
 9 Telephone: (702) 839-1100
 10 Facsimile: (702) 839-1113
 11 **Attorneys for Defendant Progressive**
 12 **Direct Insurance Company**

8 UNITED STATES DISTRICT COURT

9 DISTRICT OF NEVADA

10 TYLOR PEREZA,

11 Plaintiff,

Case No: 2:15-cv-00077-JCM-VCF

12 vs.

13 PROGRESSIVE DIRECT INSURANCE CO.;
 14 (a foreign corporation) and DOES 1 through
 15 10, inclusive, and ROE CORPORATIONS 1
 16 through 10, inclusive.,

17 Defendants.

STIPULATION AND ORDER FOR
DISMISSAL OF EXTRA-CONTRACTUAL
(BAD FAITH AND PUNITIVE DAMAGES)
CLAIMS AND TO REMAND MATTER TO
STATE COURT AND FILE AN AMENDED
COMPLAINT ACCORDINGLY

17 IT IS HEREBY STIPULATED by and between Plaintiff, TYLOR PEREZA, by and through
 18 his attorney of record, NADIA VON MAGDENKO, ESQ. of von MAGDENKO AND
 19 ASSOCIATES, PLLC, and Defendant, PROGRESSIVE DIRECT INSURANCE COMPANY
 20 ("PROGRESSIVE"), by and through its attorney, RYAN L. DENNETT, ESQ., of the law firm of
 21 DENNETT WINSPEAR, LLP, that Plaintiff's claims for extra-contractual (bad faith), punitive
 22 damages, and any other claims involving claims outside of the contractual relationship between
 23 PROGRESSIVE and TYLOR PEREZA are hereby dismissed, with prejudice.

24 IT IS FURTHER STIPULATED and agreed that this matter be remanded, by agreement,
 25 for resolution of solely the contractual claims to Nevada State Court for further resolution, and
 26 Plaintiff will then file an Amended Complaint devoid of any averments or claims for any extra-
 27 contractual (bad faith), punitive damages, and/or any other claims involving claims outside of the
 28

DENNELL WINSPEAR
 ATTORNEYS AT LAW

Apr. 13. 2015 3:40PM

No. 7703 P. 4/5

1 contractual relationship between Progressive and Tylor Perez and Defendant will file an Answer
 2 thereto.

3 Both sides acknowledge that each side will bear their own attorneys' fees and costs as it
 4 relates to the litigation thus far completed, and that further orders and decisions shall be entered
 5 and effective through the Nevada State Court upon remand.

6 DATED this 14th day of April, 2015.

7 von MAGDENKO & ASSOCIATES, PLLC

DENNETT WINSPEAR, LLP

8
 9 By N. Von Magdenko
 10 NADIA VON MAGDENKO, ESQ.
 11 Nevada Bar No. 7945
 12 624 South Ninth Street
 13 Las Vegas, Nevada 89101
 14 Telephone: 702-385-1600
 15 Facsimile: 702-385-1611
 16 **Attorneys for Plaintiff,**
 17 **Tylor Perez**

By Ryan L. Dennett #1131
 18 RYAN L. DENNETT, ESQ.
 19 Nevada Bar No. 005617
 20 JENNIFER INSLEY MICHERI, ESQ.
 21 Nevada Bar No. 010089
 22 3301 N. Buffalo Drive, Suite 195
 23 Las Vegas, Nevada 89129
 24 Telephone: (702) 839-1100
 25 Facsimile: (702) 839-1113
 26 **Attorneys for Defendant Progressive**
 27 **Direct Insurance Company**

18 **ORDER**

19 Good cause appearing therefore, IT IS SO ORDERED.

20
 21 DATED April 29, 2015.

22 James C. Mahan
 23 _____
 24 **UNITED STATES DISTRICT JUDGE**

Apr. 13. 2015 3:40PM

No. 7703 P. 5/5

1 Submitted by:

2 DENNETT WINSPEAR, LLP

3 By  #11311
4 RYAN L. DENNETT, ESQ.
Nevada Bar No. 005617.
5 JENNIFER INSLEY MICHERI, ESQ.
Nevada Bar No. 010089
6 3301 N. Buffalo Drive, Suite 195
Las Vegas, Nevada 89129
7 Telephone: (702) 839-1100
Facsimile: (702) 839-1113
8 Attorneys for Defendant,
PROGRESSIVE DIRECT
INSURANCE COMPANY

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